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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

Applicants:)
Grooms, James, *et al.*)
U.S. Serial No.: 09/905,683)
Filed: July 13, 2001)
For: "MULTI-COMPONENT)
CORTICAL BONE ASSEMBLED)
IMPLANT")
(AS AMENDED))
Group Art Unit: 3738)
Examiner: Bruce Edward Snow)

I hereby certify that this paper (and all papers referred to herein) is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 16, 2004

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SECOND PRELIMINARY AMENDMENT AND
RESPONSE TO A NOTICE OF A NON-COMPLIANT RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of A Non-compliant response dated 10/08/03, for which a Response was due 11/08/03, now extended four (4) months to 03/08/04, the Applicants hereby request the entry of the amendment to the claims, and further respond to the restriction requirement of 08/06/03.

Applicants elect to prosecute the invention of Species 3 (Figure 7), with traverse. The Applicants respectfully submit that the implant of alleged Species 5 (Figure 9), is merely the implant of Species 3 (Figure 7) with a bone plug in the center hole of the implant. Thus, any claim directed to the implant of Species 3 (Figure 7) that used the word "comprising" would inherently read on the implant of Species 5 (Figure 9). For these

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reasons, Species 3 and Species 5 are clearly a single invention and should be combined for examination.

Identification of claims associated with species:

Species 3: Claims 111-128

Species 3 and 5: Claims 111, 123, 124, 126 and 128